



# Natural Justice

## What is it ?

- A legal concept that applies to all courts, tribunals and many administrative decisions made by companies including schools !
- If deciding to expel a student Natural Justice would need to be applied
- Also known as “Procedural Fairness” It is the minimum standard of basic fairness to be applied in **any investigation of a serious nature.**

## The Twin Pillars of Natural Justice

- Two things support the concept of Natural Justice:
- (1) – An opportunity to show why adverse action should not be taken
- (2) – A decision maker whose mind is open to persuasion, that is free from bias.

## The Privy Council Summary of Natural Justice

- First, I think that the person accused should know the nature of the accusation made;
- secondly, that he should be given an opportunity to state his case;
- and thirdly of course that the tribunal should act in good faith (ie free from bias).



## Freedom from Bias

- What does it mean ?
- There should be a hearing but, if the hearer's mind is closed there is no hearing at all.
- Not only must the tribunal listen, it MUST be open to persuasion !

## How Does Natural Justice Relate to Investigations

- Does it always need to be applied?
- Yes and No! It is not meant to be so onerous that an organisation cannot manage itself with it's day to day decisions about staff or students. However if serious consequences are possible as a result of an investigation it should be applied.
- Best practice rule for investigations – **Always apply it.**

## Consequences of Denying Natural Justice

- Reputation as an investigator suffers
- Decision possibly overturned in future via the courts
- Investigator / company / school possibly civilly liable
- Resentment, and cynicism in the workplace / school environment
- Lowering of workplace / school morale